

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Akira HOMMI Confirmation No. 5536
Application No. : 10/565,643
Filed : January 24, 2006
Examiner : Bradley T. KING
Group Art Unit : 3657
Docket No. : 12699/29
For : VEHICLE AND CONTROL METHOD OF VEHICLE
SLIP-DOWN VELOCITY

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO JUNE 23, 2009 ELECTION/RESTRICTION REQUIREMENT

Sir:

In response to the Election/Restriction Requirement dated June 23, 2009, the Applicant hereby provisionally elects with *traverse* Species I, directed to Figure 1. The Applicant believes that claims 1-12 are readable thereon.

The Examiner's attention is directed to the fact that the International Searching Authority *did not find lack of unity of invention*.

In addition, pursuant to MPEP 1893.03(d), when making a lack of unity of invention requirement, the Examiner *must* (1) list the different groups of claims and (2) *explain why each group lacks unity with each other group (i.e., why there is no single general inventive concept) specifically describing the unique special technical feature in each group*. Clearly, the Examiner has not provided the required analysis. The Examiner only generally alleges that "the species lack the same or corresponding special technical features for the following reasons: The linking feature of restricting drive slip by limiting driving torque and restricting slip-down by mechanical brake is known in the art and therefore does not constitute a special technical feature." See page 2 of Office Action.

However, the Examiner must specifically describe the technical features of FIGS. 1, 6, 7, and 8 *independently*, and explain why *each* FIG. differs from *each* other FIG. This analysis has not been set forth and is respectfully requested by the Applicant.

In the instant case, FIGS. 1 and 6-9 are all directed to vehicles equipped with power output devices capable of outputting driving forces to drive shafts linked with drive wheels, as well as control methods thereof.

As the Examiner recognizes, the principles of unity of invention are used to determine the types of claimed subject matter and the combinations of claims to different categories of invention that are permitted to be included in a single international or national stage patent application. The basic principle is that the Applicant has a right to include in a single application those inventions which are linked as to form a single general inventive concept. A group of inventions is considered linked to form a single general inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature (e.g., power output devices capable of outputting driving forces to drive shafts).

Therefore, the Applicant respectfully requests that the Examiner withdraw the Election/Restriction Requirement or set forth the proper analysis as is required by MPEP 1893.03(d).

Should there be any questions concerning this matter, the Examiner is invited to contact the Applicant's undersigned attorney.

The Commissioner is authorized to charge any fees or credit any overpayment to the deposit account of Kenyon & Kenyon LLP, **Deposit Account No. 11-0600**.

Respectfully submitted,

Date: July 23, 2009

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